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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/085,403 | 02/28/2002 | Kenneth E. Flick | 58122 | 6809 |
| 27975 | 7590 | 07/27/2006 | EXAMINER | |
| ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791 | | | BROOKS, MATTHEW L | |
| | | ART UNIT | PAPER NUMBER | |
| | | | 3629 | |

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/085,403 | FLICK, KENNETH E. | |
| | Examiner | Art Unit | |
| | Matthew L. Brooks | 3629 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 January 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 June 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the Claimed subject matter of claims 4 and 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. There is not complete flow chart showing the embodiment of the invention as claimed.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1-32 are objected to because of the following informalities: Note: there are many and Examiner lists the following below as examples and Applicant is asked for help in cleaning up all informalities.

A. Claim 1 for instance step (b) "negotiating sale or lease of the vehicle with the customer *and* comprising..." There should likely be a semi-colon following the comprising and the applicant should make clear that it is the sale and lease that comprises the following two steps of offering and accepting.

B. Claim 6 "...the different entities *and* based on the negotiated price..." makes little sense to Examiner.

C. Claim 27, component (b)(iii); should likely read as follows "sharing revenue among different entities based upon the *order for* customer-selected remote control feature package."

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. With respect to claim 1 (for example) step (a) there is a lack of antecedent basis for "the vehicle" because as of yet none has been introduced. The same is to be said of

"the customer-selected remote control feature package" because no package/deal has yet been formed.

6. With respect to claim 1 (b) Applicant is missing an essential step between (b)(i) and (b) (ii); that of the selection of the remote control feature package.
7. With respect to claim 3, the claim fails to further limit claim 1; because in the step of installing as in claim 1, is already performed prior to the negotiating.
8. With respect to claim 4, it is indefinite. Claim 1 sets out a series of steps to "provide" a package to a customer. If the applicant wants another method of "providing" wherein installing step comes after negotiating step, it should be claimed as such.
9. Claim 7 is objected to because the term "respective" renders the claim indefinite. For purpose of examination, Examiner read the claim to mean the enabling step is performed by different entities.
10. Claim 8 is indefinite, due to the fact that claim 1 is a "method for providing" then Applicant lists three steps that occur. Examiner has take the position based upon the claims that as soon as the universal remote control device has been wirelessly enabled that the "providing" is complete. It appears in the claim 8 that the Applicant is stating that the wirelessly enabling and providing are two separate and distinct steps. IF that were to be the case then claim 1, would be followed with a 112 2nd rejection of missing an essential step; that of "providing". However for purposes of examination Examiner has interpreted the "wirelessly enabling" to be the completion of the method of providing.

11. Claim 9 is rejected because there is a lack of antecedent basis for “*the vehicle dealer*”. Further it is rejected because in claim 1 the installing step is before the negotiating step.

12. NOTE: Due to time constraints the particular problems with the claims were discussed in regards to the method claims 1-15. The method of claims 16-26 likely has many of the same structural problems and Applicant is asked to help in cleaning all informalities and indefinite areas.

13. Examiner does take the time to point to one more structural defect with the two independent claims 1 and 16; somewhere in the claim a remote control feature package formation needs to be made. Ie; it may help Applicant to claim something like “...negotiating sale or lease of the vehicle with the customer, which will lead to a negotiated customer-selected remote control feature package comprising:...”

The defect becomes very apparent in the last step of claim 16, wherein providing, installing, negotiating and wirelessly enabling are performed by different entities based on *the negotiated [] package*. Yet none has been negotiated. Also this lends support to Paragraph ten above, the confusion with the “providing” step.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. **Claims 1-32** are rejected under 35 U.S.C. 102(e) as being anticipated by Patent No.: 6,526,335 (Treyz).

16. With respect to **Claim 1**: Treyz discloses:

A method of providing a customer-selected remote control feature package in a vehicle, the method comprising:

(a) installing a universal remote control device in the vehicle (Fig 7), the universal remote control device comprising a controller and a wireless receiver cooperating therewith for permitting wireless enabling the customer-selected remote control feature package from among a plurality of possible remote control feature packages (Fig 17);

(b) negotiating sale or lease of the vehicle with the customer and comprising

(i) offering the plurality of possible remote control feature packages the customer (Fig 12 and Fig 14), and

(ii) accepting an order for the customer-selected remote control feature package from the customer (Fig 12 and Fig 14); and

(c) wirelessly enabling the customer-selected remote control feature package for the universal remote control device (Fig 12 and Fig 14).

17. With respect to **Claim 16**: Treyz discloses:

A method of providing a customer-selected remote control feature package in a vehicle, the method comprising:

All of limitations as discussed in claim 1 above plus

(e) wherein providing, installing, negotiating and wirelessly enabling are performed by a plurality of different entities and further comprising sharing revenue among the different entities based on the negotiated customer-selected remote control feature package (This is what a TPCH does; Treyz shows "TPCH"/processing center [C23, 1-23 and C57, 1-60 and C58, 5-10]).

18. With respect to **Claim 2 and 17**: Treyz discloses delivering the vehicle to the customer after negotiating and prior to wirelessly enabling (Treyz shows user in possession of vehicle with computer in it plus downloading software wirelessly which enables new features [Fig 12 and 14 and C2, 52-65 and C 57, 7-20]).

19. With respect to **Claim 3 and 18**: Treyz discloses installing is performed prior to negotiating (Treyz shows negotiation before and after installing (C2, 52-65 and C 57, 7-20)).

20. With respect to **Claim 4 and 19**: Treyz discloses wherein installing is performed after negotiating (Treyz shows negotiation before and after installing (C2, 52-65 and C 57, 7-20)).

21. With respect to **Claim 5**: Treyz discloses wherein the plurality of possible remote control feature packages have respective different offering prices; and wherein the customer-selected remote control feature package has a negotiated price associated therewith (Treyz teaches wireless enabling of remote control feature packages, certainly/inherently have different offer prices

depending upon package type/ what is ordered [C2, 52-65 and C 57, 7-20]. AND Treyz teaches negotiating prices for services [C2, 52-65 and C 57, 7-20]).

22. With respect to **Claim 6**: Treyz discloses

negotiating and wirelessly enabling are performed by respective different entities; and further comprising sharing revenue between the different entities and based on the negotiated price for the customer-selected remote control feature package (This is what a TPCH does; Treyz shows “TPCH”/processing center [C23, 1-23 and C57, 1-60 and C58, 5-10]).

23. With respect to **Claim 7**: Treyz discloses

providing the universal remote control device; wherein the installing, negotiating, and wirelessly enabling are provided by respective different entities; and further comprising sharing revenue between the different entities and based on the negotiating price for the customer-selected remote control feature package (This is what a TPCH does; Treyz shows “TPCH”/processing center [C23, 1-23 and C57, 1-60 and C58, 5-10]).

24. With respect to **Claim 8 and 20**: Treyz discloses

wherein the providing and wirelessly enabling are provided by a same entity (C22, 45-57 “single service provider”).

25. With respect to **Claim 9 and 21**: Treyz discloses

wherein negotiating is performed by a vehicle dealer; and wherein installing is performed after vehicle delivery to the vehicle dealer (Treyz shows multiple ways of installing a personal computer/“universal remote control device” in car [C13, 12-37]

including after delivery to user/manufacturer/vehicle dealer/"third party installer" [C13, 12-37 and C16, 35-47 and C17, 14-27 and C18, 40-65 user/manufacturer/vehicle dealer/"third party installer"].

26. With respect to **Claim 10 and 22**: discloses

wherein negotiating is performed by a vehicle dealer; and wherein installing is performed prior to vehicle delivery to the vehicle dealer (Treyz shows multiple ways of installing a personal computer/"universal remote control device" in car [C13, 12-37] including after delivery to user/manufacturer/vehicle dealer/"third party installer" [C13, 12-37 and C16, 35-47 and C17, 14-27 and C18, 40-65 user/manufacturer/vehicle dealer/"third party installer"]).

27. With respect to **Claim 11 and 23**: Treyz discloses

installing comprises installing the universal remote control device perform at least one of security, remote keyless entry and remote engine starting features associated with respective customer-selected remote control feature packages (C16, 35-47 and C2, 1-5 and Fig 17, 356).

28. With respect to **Claim 12 and 24**: Treyz discloses

security comprises vehicle position tracking (C1, 35-45 and C2, 24-30).

29. With respect to **Claim 13**: Treyz discloses

the universal remote control device comprises a GPS receiver for performing the vehicle position tracking (C1, 37-45).

30. With respect to **Claim 14 and 25**: Treyz discloses

the wireless receiver comprises a cellular radio receiver; and wherein the wirelessly enabling comprises using a cellular radio transmitter (Fig 11 and C18, 40-68 and C17, 14-26 and Fig 12, 294).

31. With respect to **Claim 15 and 26**: Treyz discloses
the vehicle comprises a data communication bus extending there through; and
wherein installing comprises connecting the universal remote control device to the
vehicle data communication bus (C15, 40-47 “communications bus”).

32. With respect to **Claim 27**: Treyz discloses
A system for providing a customer-selected remote control feature package in a
vehicle, the system comprising:

(a) a universal remote control device for installation in the vehicle, said universal
remote control device comprising a controller and a wireless receiver cooperating
therewith for permitting wireless enabling of the customer-selected remote control
feature package from among a plurality of possible remote control feature packages
(Fig 17 and C18, 40-69); and

(b) customer-selected remote control feature package processing station for
(i) receiving an order for the customer-selected remote control feature
package (Fig 16, 352 and “TPCH” discussed above),
(ii) wirelessly enabling the customer- selected remote control package for
the universal remote control device based upon the order (C18, 40-69), and
(iii) sharing revenue among different entities based upon the customer-
selected remote control feature package (C18, 40-69).

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33. With respect to **Claim 28**: Treyz discloses
customer-selected remote control feature package processing station comprises
an accounting database for sharing the revenue (C22, 54-56).

34. With respect to **Claim 29**: Treyz discloses
universal remote control device performs at least one security, remote keyless
entry and remote engine starting features associated with respective customer- selected
remote control feature packages (Fig 17).

35. With respect to **Claim 30**: Treyz discloses
universal remote control device comprises a GPS receiver for performing vehicle
position tracking (C1, 36-47).

36. With respect to **Claim 31**: Treyz discloses
wireless receiver comprises a cellular radio receiver; and wherein said
processing station wirelessly enables the customer-selected remote control feature
package using a cellular radio transmitter (C12, 21-44).

37. With respect to **Claim 32**: Treyz discloses
the vehicle comprises a data communication bus extending there through; and
wherein said universal remote control device interfaces to the vehicle data
communication bus (Fig 7 and C16, 40-47).

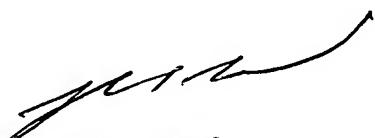
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Brooks whose telephone number is (571) 272-8112. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-8112. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MLB
7/17/06



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